

CONSERVATORSHIP CALENDAR NOTES

January 10, 2020

10:00 a.m., Department 40

Placer County Superior Court

UPDATED January 9, 2020, 1:15 p.m.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the conservatorship calendar set for hearing **January 10, 2020, 10:00 a.m., in Department 40**, Commissioner Michael A. Jacques, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

If the notes indicate a document is missing but the document was previously filed, a copy of the filed document may be faxed to the Office of Legal Research at (916) 408-6275. The court **does not** accept direct faxes for filing, and unfiled documents sent to this number will **not** be filed.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

Telephone appearances for this calendar are governed by Local Rules 20.8 and 80.1.2 and are scheduled on the court's website, www.placer.courts.ca.gov. For assistance, please contact the Civil Division.

1. S-PR-0007604 Brown, Tory - In Re the Conservatorship of

Appearance is required for conservatorship review hearing.
Current status is needed.

2. S-PR-0008993 Hay, Donald R.- In Re the Conservatorship of

Appearance is required for continued hearing on petition for conservator fees, counsel fees, conservator costs, and counsel costs.

Clarification is needed: the petition alleges that conservatee owns a large number of real properties, none of which have been inventoried to the estate. Additional allegations concerning the estate are needed.

Conservator declaration in support is insufficient under C.R.C. 7.751(b) & 7.702. Revised declaration is needed.

Counsel's declaration in support is insufficient under C.R.C. 7.751(b) & 7.702. Revised declaration is needed.

Clarification is needed: charge for participation in June 2018 mediation appears to be excessive in light of the hours logged by others (Randall Wilson, 5.9; David Buehler, 6.8) to participate in the same mediation.

Conservator of the estate again requests this matter be continued to allow a trust account to be prepared and served.

3. S-PR-0009353 Ferreira, Ruth L -In Re the Conservatorship of

Appearance is required for first conservatorship account.

Account is not presented in the format required by Prob.C. §§ 1060-1063 & C.R.C. 7.575. Missing schedule of property on hand at the beginning of the account period and carry and market values of property on hand. Opening account balance conflicts with inventory and appraisal without explanation. Final property list conflicts with inventory and appraisal as to property descriptions and values.

Proposed bond is insufficient under C.R.C. 7.207. Income is not excluded from bond solely because it is used for conservatee's care. Based on bondable assets on hand and estate income, bond of \$126,000.00 appears to be required.

Missing sufficient declaration to support attorney fees request, C.R.C. 7.751(b) & 7.702.

Missing financial statements in support of the account, Prob.C. § 2620(c).

Conservator response is needed: in February 2019, the court granted a petition to create and fund a revocable trust for conservatee. Trust bond is required but has not been fixed by the court or posted. This conservatorship account makes no reference to any trust, whether it was funded, etc. A trust estate is separate and distinct from any conservatorship estate.

4. S-PR-0009687 Lundberg, Ingrid - In Re the Conservatorship of

Petition for conservator and attorney fees is recommended for approval as prayed.

5. S-PR-0009824 Ratcliff, Doreen; In re conservatorship of

Appearance is required for continued hearing on appointment of limited conservator of the person and estate.

Missing amended petition.

Missing notice of hearing. Missing 15 days' service of notice of hearing with copy of petition to all second-degree relatives of respondent. Missing 30 days' service of notice of hearing with copy of petition to Alta California Regional Center.

Clarification is needed: ¶ 11 omits any second-degree relatives other than spouse. However, petitioner is a relative within the second degree. Additional allegations are needed to confirm whether respondent has other second-degree relatives.

Clarification is needed: Attachments 1h, 1j do not address most limited conservatorship powers. Medical consent powers are not requested (¶¶ 1g & 9).

Missing grounds for conservatorship of the person (¶ 5c(1)).

Missing required confidential screening form for proposed conservator (GC-314).

Missing required confidential supplemental information form (GC-312).

Bond appears to be incorrectly calculated in both filed petitions. The court previously ordered bond of \$95,000 which has not been posted.

Missing capacity declaration.

Missing appearance of / report by court-appointed counsel for respondent.

Missing Alta California Regional Center report, Prob.C. § 1827.5(a).

Note: the court previously granted temporary limited conservatorship. No mandatory form order has been presented, signed, or filed. Bond was not posted. Letters have not issued.

Note: missing signed duties form. Clerk cannot issue letters unless signed duties form is filed, C.R.C. 7.1051.

6. S-PR-0009925 Triggs, Megan - In re the Conservatorship of

Appearance is required for hearing on petition for substituted judgment.

Conservator response is requested: trust includes trust protector provisions including apparent power to make significant trust amendments without the requirement for court approval (proposed trust, Art. 5, particularly § 1.D). The need for trust protector provisions is not apparent and power to amend without court approval appears to violate C.R.C. 7.903(c)(2).

Conservator response is requested: proposed trust Article 4 includes extensive legal determinations. It is not apparent how a substituted judgment petition permits the court may make findings under the Social Security Act and its regulations, or similar statutes and regulations.

Conservator response is requested: proposed trust Art. 9, § 5, provides that any trustee, trust protector, or attorney will be compensated in a manner which is not consistent with the standard set forth in C.R.C. 7.903(c)(8). All fees are to be "just and reasonable" as the court may determine.

7. S-PR-0009996 Briggs, Ruth L. - In Re the Conservatorship of

Appearance is required for hearing on petition for appointment of conservator of the person and estate.

8. S-PR-0010018 Dumm, Lynda Marie-In re the Conservatorship of

Appearance is required for hearing on petition for appointment of conservator of the person.

Missing 15 days' personal service of citation with a copy of the petition to respondent. Mailed service is insufficient.

Missing 30 days' service to Alta California Regional Center, Prob.C. § 1822(e).

Clarification is needed: major neurocognitive disorder attachment was included with the capacity declaration. There are no allegations of major neurocognitive disorder and no request for major neurocognitive disorder powers.

Clarification is needed: allegations concerning conservatorship of the estate are included in the petition at ¶ 5c(2) and in confidential form GC-312 at ¶ 3 without explanation. No estate powers are sought.

9. S-PR-0010028 Sanchez, Ana - In Re Conservatorship of

Appearance is required for hearing on petition for appointment of conservator of the person and estate.

Missing grounds for appointment of conservator of the person (¶ 5c(1)) and estate (¶ 5c(2)). Prob.C. § 1821(a) requires the petition to "state the reasons why a conservatorship is necessary."

Missing appearance and / or report by counsel for conservator.

ADD-ON

10. S-PR-0010064 Abrams, Carolyn Marie - In Re Conservatorship of

Appearance is required for hearing on petition for appointment of temporary conservator of the estate.

Missing notice of hearing. Missing 5 court days' personal service of notice of hearing with copy of temporary petition to respondent. Missing 5 court days' service of

notice of hearing with copy of temporary petition to all second-degree relatives of respondent. Prob.C. § 2250(e). Missing written request to waive or modify temporary notice requirement. C.R.C. 7.1062.